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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/980,224	02/22/2002	Ralph Wols	027544-019	1311
21839	7590	02/11/2005	EXAMINER	
BURNS DOANE SWECKER & MATHIS L L P			SHAW, PELING ANDY	
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ALEXANDRIA, VA 22313-1404			PAPER NUMBER	

2144

DATE MAILED: 02/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/980,224	WOLS, RALPH	
	<b>Examiner</b>	<b>Art Unit</b>	
	Peling A. Shaw	2144	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 February 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02/22/2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Priority***

1. This application is a 371 of PCT/EP99/03819 filed on 05/31/1999. The claims were amended on 02/22/2002.

### ***Abstract***

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because the legal phraseology of "related to" and "means for", the language usage of "new type of solution", "more particularly", "according to the invention", "an external system interface" and "can be used" do not precisely describe the invention, and its intended limitations to airline information distribution is not clear. Correction is required. See MPEP § 608.01(b).

### ***Specification Objections***

3. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is

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requested in correcting any errors of which applicant may become aware in the specification.

***Claim Rejections – 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Pepe et al., (U.S. Patent Number 5,742,905), hereinafter referred as Pepe.

a. Regarding claim 1, Pepe disclosed (in abstract, column 1, line 13-15, column 3, line 13-15, column 4, line 43-46, column 6, line 11-13, column 8, line 62-67, figure 4 and 5) a system for distributing information to closed user groups comprising a system server of preserving personal settings (receipt and delivery options), a notification and status database (notification in the form of e-mail message), a message database (e-mail, fax, paging, voice mail), an incoming notification and message database (notification in the form of e-mail message, e-mail, fax, paging, voice mail), information database (PCI database), a message generator (PCI applications server), a message sender

- (PCI server), distribution senders (PCI server), distribution receivers (PCI server), a message status handler (PCI server).
- b. Regarding claim 2, Pepe disclosed (Other References, column 1, line 13-15, column 21, line 49, column 29, line 40, column 30, line 14-16) a message distribution database comprising SMS (short text message, short messaging), voice (voice mail), E-mail, FAX and Data message (mobile data for e-mail) databases.
  - c. Regarding claim 3, Pepe disclosed (column 11, line 63, column 4, line 43-46, Fig. 4) an information distribution system further comprising a user event history database (Data and Report), a system parameter database (PCI server) and a personal service description database (PCI database).
  - d. Regarding claims 4 and 5, Pepe disclosed (Other References, column 1, line 13-15, column 21, line 49, column 29, line 40, column 30, line 14-16) an information distribution system comprising SMS sender and receiver (short text message, short messaging), voice response unit (voice mail), E-mail sender and receiver, FAX sender and Data message sender and receiver (mobile data for e-mail).
  - e. Regarding claim 6, Pepe disclosed (column 6, line 66-column 7, line 3, column 8, line 15-19, figure 3) a information distribution system comprising a third party interface (SMS INTERFACE), a third party application database, (third party database), a unit for classifying and updating the Internet page and enter the notification information to his specific user profile.

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- f. Regarding claim 7, Pepe disclosed (column 7, line 49-59) an information distribution system comprising a presentation layer, which is used to maintain and monitor the service, to access all database and processes.
- g. Regarding claim 8, Pepe disclosed (Other References, column 1, line 13-15, column 5, line 64-67, column 8, line 62-67, column 21, line 49) a information distribution system translating a new message into a notification message by message generator (PCI applications server) according to settings in the Personal information database, notifying the customer using a certain medium (short message), selecting a new medium (cross-media notification) if the customer can not be reached with a certain medium, repeating the steps until a new medium using all specified media until the customer is reached (voice message).

Pepe disclosed all limitations of Claims 1-8. Claims 1-8 are rejected under 35 U.S.C. 102(b).

- 5. Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Smith et al., (U.S. Patent Number 6,333,973), hereinafter referred as Smith.

- a. Regarding claim 1, Smith disclosed (column 1, line 40-44, column 7, line 1-column 8, line 9, Figure 5) a system for distributing information to closed user groups comprising a system server of preserving personal settings (SMS), a notification and status database (SMS), a message database (VOICE MAIL SERVER, FAX MAIL SERVER, E-MAIL SERVER), an incoming notification and message database (SMS), information database (SMS), a message

generator (SMS, VOICE MAIL SERVER, FAX MAIL SERVER, E-MAIL SERVER), a message sender (SMS, VOICE MAIL SERVER, FAX MAIL SERVER, E-MAIL SERVER), distribution senders (VOICE MAIL SERVER, FAX MAIL SERVER, E-MAIL SERVER), distribution receivers (SMS, VOICE MAIL SERVER, E-MAIL SERVER), a message status handler (VOICE MAIL SERVER, FAX MAIL SERVER, E-MAIL SERVER, SMS).

- b. Regarding claim 2, Smith disclosed (column 1, line 40-44, column 7, line 1-column 8, line 9, Figure 5) a message distribution database comprising SMS, voice (voice mail), E-mail, FAX and Data message (IWF, TCP/IP) databases..
- c. Regarding claim 3, Smith disclosed (column 1, line 40-44, column 7, line 1-column 8, line 9, Figure 5) an information distribution system further comprising a user event history database (SMS, VOICE MAIL SERVER, FAX MAIL SERVER, E-MAIL SERVER), a system parameter database (SMS, VOICE MAIL SERVER, FAX MAIL SERVER, E-MAIL SERVER) and a personal service description database (SMS, VOICE MAIL SERVER, FAX MAIL SERVER, E-MAIL SERVER).
- d. Regarding claims 4 and 5, Smith disclosed (column 1, line 40-44, column 7, line 1-column 8, line 9, Figure 5) an information distribution system comprising SMS sender and receiver (SMS), voice response unit (voice mail), E-mail sender and receiver, FAX sender and Data message sender and receiver (IWF, TCP/IP).

- e. Regarding claim 6, Smith disclosed (column 9, 14-16, column 12, line 13-17, figure 1 and 8a) a information distribution system comprising a third party interface (remote e-mail server, remote SMS), a third party application database, (remote e-mail server, remote SMS), a unit for classifying and updating the Internet page and enter the notification information to his specific user profile (the caller enters the text message).
- f. Regarding claim 7, Smith disclosed (column 8, line 12-16, figure 6) an information distribution system comprising a presentation layer (GUI interface with integrated message center), which is used to maintain and monitor the service, to access all database and processes.
- g. Regarding claim 8, Smith disclosed (column 1, line 40-44, column 7, line 1-column 8, line 9, Figure 5) a information distribution system translating a new message into a notification message by message generator (SMS) according to settings in the Personal information database, notifying the customer using a certain medium (SMS, voice mail, e-mail, fax), selecting a new medium (FAX) if the customer can not be reached with a certain medium, repeating the steps until a new medium using all specified media until the customer is reached (voice mail).
- h. Regarding claim 9, Smith disclosed (Figure 9B) an airline information distribution system according to claim 1 comprising a notification and an alternate flight selection (could be extended from the flight information to



selection per item a) via different medium (per item g), and confirm the alternate selection (SMS, VOICE MAIL, E-MAIL, FAX MAIL).

- i. Regarding claim 10, Smith disclosed (per items g and h) when and how the notification is performed (SMS).
- j. Regarding claim 11, Smith disclosed (per items a, f and h) that a user can access an integrated message service (GUI of mobile phone, extended to computer) to enter his specific user profile (SMS function).
- k. Regarding claim 12, Smith disclosed (per items a and h) that a user can select to whom the notification are to be sent (SMS function).

Smith disclosed all limitations of Claims 1-12. Claims 1-12 are rejected under 35 U.S.C. 102(e).

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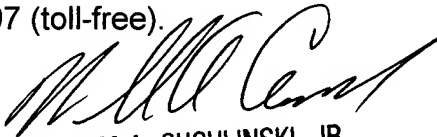
**Conclusion**

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Refer to the enclosed PTO-892 for details.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peling A. Shaw whose telephone number is (571) 272-7968. The examiner can normally be reached on M-F 8:00 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William A. Cuchlinski can be reached on (571) 272-3925. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
WILLIAM A. CUCHLINSKI, JR.  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

pas